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Attorneys for Plaintiff  
CALIFORNIA VALLEY MIWOK TRIBE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO - CENTRAL DISTRICT**

**CALIFORNIA VALLEY MIWOK TRIBE**

Case No. 37-2008-00075326-CU-CO-CTL

Plaintiff,

vs.

**CALIFORNIA GAMBLING CONTROL  
COMMISSION,**

Defendant.

**NOTICE OF RULING ON CHADD  
EVERONE'S MOTION TO QUASH  
DEPOSITION SUBPOENA/MOTION  
FOR PROTECTIVE ORDER AND  
ORDER FOR MONETARY SANCTIONS**

Date: December 23, 2011

Time: 8:30 a.m.

Dept: 62

Judge: Hon. Ronald Styn

1 TO: CHADD EVERONE, AND TO ALL INTERESTED PARTIES AND  
2 THEIR ATTORNEYS OF RECORD.

3 **PLEASE TAKE NOTICE** that on December 23, 2011, the Court  
4 in the above-entitled case, confirmed its tentative ruling  
5 denying Non-Party Chadd Everone's motion for protective  
6 order/motion to quash deposition subpoena, and ordered  
7 Chadd Everone to pay Plaintiff \$3,000.00 in monetary  
8 sanctions, within ten (10) days of the date of the hearing,  
9 for having brought the motion "without substantial  
10 justification", because none of his arguments had any  
11 merit, and because many of his arguments had previously  
12 been rejected by the court, as set forth in the attached  
13 copy of the Court's Tentative Ruling, marked as Exhibit  
14 "1". The court clarified that Everone was still under  
15 subpoena and ordered that he cooperate in having his  
16 deposition rescheduled to a mutually agreeable date and  
17 time. Chadd Everone personally attended the hearing, and  
18 orally agreed on the record that he would comply with the  
19 court's order and cooperate in rescheduling his deposition.

20  
21  
22  
23 Dated: December 27, 2011



24 Manuel Corrales, Jr., Esq.  
25 Attorney for Plaintiff  
26 CALIFORNIA VALLEY MIWOK  
27 TRIBE  
28

## **EXHIBIT “1”**

**SUPERIOR COURT OF CALIFORNIA,**  
COUNTY OF SAN DIEGO  
HALL OF JUSTICE  
TENTATIVE RULINGS - December 22, 2011

EVENT DATE: 12/23/2011      EVENT TIME: 08:30:00 AM      DEPT.: C-62

JUDICIAL OFFICER: Ronald L. Styn

CASE NO.: 37-2008-00075326-CU-CO-CTL

CASE TITLE: CALIFORNIA VALLEY MIWOK TRIBE VS. THE CALIFORNIA GAMBLING CONTROL COMMISSION

CASE CATEGORY: Civil - Unlimited

CASE TYPE: Contract - Other

EVENT TYPE: Motion Hearing (Civil)

CAUSAL DOCUMENT/DATE FILED: Motion to Quash Subpoena, 11/28/2011

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Non-Party Chad Everone's motion for a protective order is denied.

Via the instant motion, Everone seeks reconsideration of this court's July 1, 2011 ruling on Plaintiff California Valley Miwok Tribe's motion to compel the deposition of Everone wherein the court also denied Everone's motion for a protective order.

Neither party addresses the issue of whether this motion for reconsideration is brought pursuant to CCP § 1008(a), which has a 10 day limit, or CCP § 1008(b) which has no such limit. Regardless, both subsections require that the party making the application submit an affidavit stating "what application was made before, when and to what judge, what order or decisions were made, and what new or different facts, circumstances, or law are claimed to be shown." Everone fails to submit a declaration with the requisite showing. Failure to do so renders Everone's motion for reconsideration invalid. See, *Branner v. Regents of University of California* (2009) 175 Cal.App.4th 1043, 1048.

Even if this court were to reconsider its previous ruling, the result would not change.

The party moving for a protective order bears the burden of showing "good cause" for issuance of the protective order. See, *GT, Inc. v. Superior Court* (1984) 151 Cal.App.3d 748, 754. The court finds Everone fails to meet his burden. Plaintiff sufficiently establishes that Everone has knowledge of facts related to the issues in this case. Therefore, under the broad definition of relevant evidence [CCP §2017.010], the court finds the testimony of Everone relevant. The court rejects Everone's contention that the issues in this case are "moot." The court's previous rulings are based on decisions by Assistant Secretary Larry Echo Hawk of the United States Department of the Interior – Indian Affairs and the pending appeal of this decision in federal court. However, Everone fails to establish how the court's reliance on the decisions by the Assistant Secretary, and the pending appeal render this case moot. Such matters are related to Plaintiff's claims against the California Gambling Control Commission in this action, but do not render Plaintiff's claims moot. Everone fails to establish the application of the attorney-client privilege, tribal sovereign immunity or trade secret privilege to his deposition testimony. Although Everone refers to his 5th Amendment rights, Everone fails to establish how such rights preclude Plaintiff from taking his deposition. Everone fails to articulate how Plaintiff's ability to request documents under the Freedom of Information Act, precludes Plaintiff from taking his deposition. The court sustains Plaintiff's objections to the Declaration of William Pink and the attached transcript. Even if this evidence were admissible, Everone fails to establish how the alleged conduct of non-party Tiger Paulk towards other individuals precludes Plaintiff from taking his deposition. Everone states his concern for the "potential abuse of deposition information" but fails to establish such concern as grounds for a protective order.

Plaintiff's request for sanctions is granted. None of the arguments Everone makes has merit and many the arguments Everone makes have previously been rejected by the court. For these reasons, the court finds that this motion was made "without substantial justification." CCP § 1987.2(a). The court awards Plaintiff sanctions of \$3,000.00 and orders Everone to pay this amount to Plaintiff within 10 days of this ruling.

SHORT TITLE: California Valley Miwok Tribe v. California Gambling Control Commission	CASE NUMBER 37-2008-00075326-CU-CO-CTL
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**ATTACHMENT TO PROOF OF SERVICE BY FIRST-CLASS MAIL—CIVIL (PERSONS SERVED)**

(This Attachment is for use with form POS-030)

**NAME AND ADDRESS OF EACH PERSON SERVED BY MAIL:**

<u>Name of Person Served</u>	<u>Address (number, street, city, and zip code)</u>
William Williams, Esq., Deputy AG Neil D. Houston, Esq., Deputy AG	1300 "I" Street, Suite 125 Sacramento, California 95814
Richard Freeman, Esq. Matthew McConnell, Esq.	SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP 12275 El Camino Real, Suite 200, San Diego, CA 92130-2006
Thomas Wolfrum, Esq. Attorney at Law	1333 North California Blvd., Suite 150 Walnut Creek, California 94596
Randy Pinal, Esq., Deputy AG	110 West "A" Street, Suite 1100 San Diego, California 92101
Terry Singleton, Esq. SINGLETON & ASSOCIATES	1950 Fifth Avenue, Suite 200 San Diego, California 92101
Robert A. Rosette, Esq. ROSETTE & ASSOCIATES	193 Blue Ravine Road, Suite 255 Folsom, California 95630
Chadd Everone, in pro per	2140 Shattuck Avenue, #602 Berkeley, California 94704

***(Do not use this Proof of Service to show service of a Summons and Complaint.)***

1. I am over 18 years of age and **not a party to this action**. I am a resident of or employed in the county where the mailing took place.
2. My residence or business address is:  
17140 Bernardo Center Drive, Suite 370  
San Diego, California 92128
3. On *(date)*: December 27, 2011 I mailed from *(city and state)*: San Diego, California  
the following **documents** *(specify)*:  
**NOTICE OF RULING ON CHADD EVERONE'S MOTION TO QUASH DEPOSITION  
SUBPOENA/MOTION FOR PROTECTIVE ORDER AND ORDER FOR MONETARY SANCTIONS**

☐ The documents are listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Documents Served)* (form POS-030(D)).

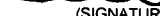
4. I served the documents by enclosing them in an envelope and *(check one)*:
- a. ☒ **depositing** the sealed envelope with the United States Postal Service with the postage fully prepaid.
- b. ☐ **placing** the envelope for collection and mailing following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.
5. The envelope was addressed and mailed as follows:
- a. **Name** of person served:
- b. **Address** of person served:

☒ The name and address of each person to whom I mailed the documents is listed in the *Attachment to Proof of Service by First-Class Mail—Civil (Persons Served)* (POS-030(P)).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 27, 2011

Manuel Corrales, Jr., Esq.  
(TYPE OR PRINT NAME OF PERSON COMPLETING THIS FORM)

▶   
(SIGNATURE OF PERSON COMPLETING THIS FORM)